

ILLINOIS COMMERCE COMMISSION

Nextel West Corp.

)

) Docket No. 05-0040

Petition requesting confidential
treatment of the 1999
Annual Report

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PETITION

Nextel West Corp. ("Nextel West") hereby requests that the Commission enter an Order protecting its 1999 Annual Report from disclosure. In support of this request, Nextel West states as follows:

1. Nextel West has a Certificate of Service Authority to provide Commercial Mobile Radio Services/Specialized Mobile Radio Service ("CMRS/SMR"). [Order, Docket 97-0082 (March 12, 1997); Q&r, Docket 97-0330 (Sept. 10, 1997).] Nextel West is a wholly owned subsidiary of Nextel Communications, Inc. ("Nextel").

2. Pursuant to Section 5-109 of the Illinois Public Utilities Act, Nextel West is required to file an Annual Report for the year 1999 by March 31, 2000.

3. The CMRS industry (which includes cellular and personal communications services ("PCS"), as well as SMR) is highly competitive. The information to be provided in the Annual Report includes commercial and financial information that is highly sensitive and of a proprietary and confidential nature. The public disclosure of such information would place Nextel West at a competitive disadvantage.

4. Section 5-109 of the Act states, in relevant part, that all reports made to the Commission shall be open to public inspection “unless otherwise ordered by the Commission.” Section 7(g) of the Illinois Freedom of Information Act (5 ILCS 140/7) exempts from public disclosure “[t]rade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm...” Nextel West’s Annual Report falls within this exemption.

5. Proprietary treatment has in the past been routinely accorded by the Commission to Annual Reports filed by Nextel’s Illinois subsidiary and other CMRS providers without hearing. E.g., Nextel West Corn., Docket 99-0008 (Feb. 5, 1999) (protecting 1998 Annual Report); Nextel West Corn., Docket 98-0129 (March 25, 1998) (protecting 1997 Annual Report); OneComm Corporation. N.A., Docket 97-0083 (March 12, 1997) (protecting 1996 Annual Report); Chicago SMSA Limited Partnershin, et al., Docket No. 96-0176 (April 24, 1996) (protecting Annual Reports for 1995 tiled by various cellular carriers).

6. The instructions from the Commission accompanying the Annual Report provide that carriers requesting proprietary treatment for their 1999 Annual Report must file a petition requesting such treatment prior to the deadline for tiling the Annual Report.

WHEREFORE, Nextel West Corp. requests that the Commission enter, without hearing, an Order allowing the confidential and proprietary treatment of Nextel West's Annual Report for the year ended 1999 and providing that such Annual Report shall be accessible only by the Commission and Commission Staff.

Respectfully Submitted,

NEXTEL WEST CORP.

By: 

One of its Attorneys

Karl B. Anderson
JONES, DAY, REAVIS & POGUE
77 West Wacker
Chicago, Illinois 60601-1692
(312) 782-3939

VERIFICATION

Christie Hill, being first duly sworn, deposes and states that she is Secretary of Nextel West Corp., a wholly-owned subsidiary of Nextel Communications, Inc., and that the facts stated in the foregoing attached Petition are true and correct to the best of her knowledge, information and belief.

Respectfully Submitted,

NEXTEL WEST CORP.

By: Christie A. Hill
Christie A. Hill
Secretary

Sworn and subscribed to
before me this 13th day
of January, 2000.

Sonya L. Thornton
Notary Public

My Commission Expires January **31**, 2002